

REMARKS

I. Status of Claims

Claims 1-40 are currently pending in the application. Claims 9-40 have been withdrawn from consideration.

By this Amendment, pending claim 1 and withdrawn claims 9, 14, 16, 18, 22, 25, 26, 30 and 32 have been amended. No new matter has been introduced by this Amendment. Upon entry of the amendments, claims 1-40 would be pending.

II. Restriction Requirement:

The Applicants respectfully confirm election of Group I which includes claims 1-8 for consideration, but without traverse. The Applicants respectfully withdraw their prior traversal made during the telephone conference with the Examiner with respect to the Restriction Requirement on July 26, 2007.

III. Rejections Under 35 U.S.C. §§ 102 and 103:

Claims 1-3, 5, 7 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Roemer et al. (US 4,885,539). Claims 1 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by the Ballon reference. Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Roemer et al in view of Durrasse et al (EP 0 468 857). Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Roemer et al in view of Leussler (US 5,245,288).

Claim 1 as amended is directed to a sealable resection container for containing resected material to be analyzed using magnetic resonance, the container including a receive coil for use in analyzing resected material contained in the container and a connector for detachably

connecting the receive coil, directly or via an adaptor, to an input of a magnetic resonance scanner.

It is respectfully submitted that the cited references, alone or in combination, do not disclose or suggest a sealable resection container as recited in amended claim 1.

Roemer does not disclose or suggest a container at all, but rather a volume coil. Coils of this type are very well known and are not intended for, nor usable as, a resection container. A volume coil is a specific term of art which designates a coil that, in use, surrounds either the whole body of a patient or one specific region such as the head or a knee. One of ordinary skill in the art evaluating Roemer would understand this to describe a conventional coil of the bird cage type, and certainly would not read into it any suggestion that the coil could be sealed at each end. Indeed, sealing a coil of that type would defeat the intended primary purpose as it would then be completely impossible to use it for surrounding, for example, the knee of a patient. To the extent the Examiner would like a further explanation of the typical use and application of such volume coils, the Examiner is invited to contact the undersigned representative.

Regarding Ballon, the "container" in which the sample is placed appears to be a standard open ended test tube which is partly submerged in a water bath and surrounded by a separate sample coil. The container itself does not include the coil, as recited in claim 1; rather, the coil is an entirely separate item. Furthermore, the container of Ballon does not include any connector for detachably connecting the receive coil to the input of a magnetic resonance scanner. Although the coil shown in Fig. 2 is connected, there is neither any disclosure of the connection being detachable, nor any disclosure of the container itself including the connection.

In view of the foregoing, claim 1 and its dependent claims are believed to be distinguishable over the cited references, individually or in combination.

CONCLUSION

Based on the foregoing election and remarks, the Applicants respectfully request reconsideration and withdrawal of the outstanding rejection and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500 , Order No. 4586-4004. .

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4586-4004.

Respectfully submitted,
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